

**IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF ARKANSAS  
PINE BLUFF DIVISION**

**RANDY TUCKER,  
ADC #109442**

**PLAINTIFF**

**V.**

**CASE NO. 5:15CV00100 KGB/BD**

**GREG BOLIN, et al.**

**DEFENDANTS**

**RECOMMENDED DISPOSITION**

**I. Procedures for Filing Objections:**

This Recommended Disposition (“Recommendation”) has been sent to United States District Judge Kristine G. Baker. You may file written objections to this Recommendation. If you file objections, they must be specific and must include the factual or legal basis for your objection. Objections must be received in the office of the United States District Court Clerk within fourteen (14) days of this Recommendation.

If no objections are filed, Judge Baker can adopt this Recommendation without independently reviewing the record. By not objecting, you may also waive any right to appeal questions of fact.

**II. Discussion:**

Plaintiff Randy Tucker, formerly a pretrial detainee at the Dub Brassell Detention Center (“Detention Center”), filed this *pro se* § 1983 Complaint. (Docket entry #2) He alleges that he is allergic to dairy products, but that while he was housed at the Detention Center, he was not provided meals in accordance with his dietary restrictions. (#2) Because Mr. Tucker failed to state how each Defendant violated his constitutional rights

or how he was injured, the Court gave Mr. Tucker an opportunity to amend his complaint to clarify how *each* Defendant personally prevented him from receiving meals in accordance with his dietary restrictions and to explain what injury he suffered as a result. (#7) The Court specifically cautioned Mr. Tucker that his claims could be dismissed if he failed to comply with the Court's order. (#7)

Mr. Tucker filed an amended complaint on July 2, 2015. (#9) In his amended complaint, however, he again failed to explain each Defendant's part in preventing him from receiving dairy-free meals. And again, he failed to allege *any* physical harm that he suffered as a result of the Defendants' conduct. As written, his complaint and amended complaint do not describe conduct that rises to the level of a constitutional violation.

### **III. Conclusion:**

The Court recommends that Mr. Tucker's claims be DISMISSED, without prejudice.

Dated this 14th day of July, 2015.



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UNITED STATES MAGISTRATE JUDGE